

# House File 750 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 211)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to support including child support provisions  
2 relating to passport sanctions for nonpayment of child support  
3 and mandatory review and adjustment of child support orders,  
4 medical support, and support payments, providing effective  
5 dates, and providing for nullification of an administrative  
6 rule and retroactive applicability.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1241HV 82  
9 pf/je/5

PAG LIN

1 1 DIVISION I  
1 2 PASSPORT SANCTIONS  
1 3 Section 1. Section 252B.5, subsection 11, paragraph a,  
1 4 Code 2007, is amended to read as follows:  
1 5 a. Comply with federal procedures to periodically certify  
1 6 to the secretary of the United States department of health and  
1 7 human services, a list of the names of obligors determined by  
1 8 the unit to owe delinquent support, under a support order as  
1 9 defined in section 252J.1, in excess of ~~five two thousand five~~  
1 10 ~~hundred~~ dollars. The certification of the delinquent amount  
1 11 owed may be based upon one or more support orders being  
1 12 enforced by the unit if the delinquent support owed exceeds  
1 13 ~~five two thousand five hundred~~ dollars. The certification  
1 14 shall include any amounts which are delinquent pursuant to the  
1 15 periodic payment plan when a modified order has been  
1 16 retroactively applied. The certification shall be in a format  
1 17 and shall include any supporting documentation required by the  
1 18 secretary.  
1 19 Sec. 2. Section 252B.5, subsection 11, paragraph b,  
1 20 subparagraph (1), subparagraph subdivision (b), Code 2007, is  
1 21 amended to read as follows:  
1 22 (b) A statement providing information that if the  
1 23 delinquency is in excess of ~~five two thousand five hundred~~  
1 24 dollars, the United States secretary of state may apply a  
1 25 passport sanction by revoking, restricting, limiting, or  
1 26 refusing to issue a passport as provided in 42 U.S.C. }  
1 27 652(k).  
1 28 Sec. 3. Section 252B.5, subsection 11, paragraph b,  
1 29 subparagraph (2), subparagraph subdivision (a), unnumbered  
1 30 paragraph 1, Code 2007, is amended to read as follows:  
1 31 A challenge shall be based upon mistake of fact. For the  
1 32 purposes of this subsection, "mistake of fact" means a mistake  
1 33 in the identity of the obligor or a mistake in the amount of  
1 34 the delinquent child support owed if the amount did not exceed  
1 35 ~~five two thousand five hundred~~ dollars on the date of the  
2 1 unit's decision on the challenge.  
2 2 Sec. 4. Section 252B.5, subsection 11, paragraph c, Code  
2 3 2007, is amended to read as follows:  
2 4 c. Following certification to the secretary, if the unit  
2 5 determines that an obligor no longer owes delinquent support  
2 6 in excess of ~~five two thousand five hundred~~ dollars, the unit  
2 7 shall provide information and notice as the secretary requires  
2 8 to withdraw the certification for passport sanction.  
2 9 Sec. 5. EFFECTIVE DATE. This division of this Act takes  
2 10 effect October 1, 2007.  
2 11 DIVISION II  
2 12 MANDATORY REVIEW AND ADJUSTMENT  
2 13 OF CHILD SUPPORT ORDERS  
2 14 Sec. 6. Section 252B.26, Code 2007, is amended to read as

2 15 follows:

2 16 252B.26 SERVICE OF PROCESS.

2 17 Notwithstanding any provision of law to the contrary, the  
2 18 unit may serve a petition, notice, or rule to show cause under  
2 19 chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified  
2 20 in each chapter, or as follows:

2 21 1. The unit may serve a petition, notice, or rule to show  
2 22 cause by certified mail. Return acknowledgment is required to  
2 23 prove service by certified mail, rules of civil procedure  
2 24 1.303(5) and 1.308(5) shall not apply, and the return  
2 25 acknowledgment shall be filed with the clerk of court.

2 26 2. The unit may serve a notice of intent under chapter  
2 27 252H, or a notice of decision under section 252H.14A, upon any  
2 28 party or parent who is receiving family investment program  
2 29 assistance for the parent or child by sending the notice by  
2 30 regular mail to the address maintained by the department.  
2 31 Rules of civil procedure 1.303(5) and 1.308(5) shall not apply  
2 32 and the unit shall file proof of service as provided in  
2 33 chapter 252H. If the notice is determined to be  
2 34 undeliverable, the unit shall serve the notice as otherwise  
2 35 provided in this section or by personal service.

3 1 Sec. 7. Section 252H.7, subsection 2, unnumbered paragraph  
3 2 1, Code 2007, is amended to read as follows:

3 3 A parent may waive the postreview waiting period provided  
3 4 for in section 252H.8, subsection 1A or 6, for a court hearing  
3 5 or in section 252H.17 for requesting of a second review.

3 6 Sec. 8. Section 252H.8, subsection 1, Code 2007, is  
3 7 amended to read as follows:

3 8 1. For actions initiated under ~~subchapter II~~ section  
3 9 252H.15, either parent or the unit may request a court hearing  
3 10 within thirty days from the date of issuance of the notice of  
3 11 decision under section 252H.16, or within ten days of the date  
3 12 of issuance of the second notice of decision under section  
3 13 252H.17, whichever is later.

3 14 Sec. 9. Section 252H.8, Code 2007, is amended by adding  
3 15 the following new subsection:

3 16 NEW SUBSECTION. 1A. For actions initiated under section  
3 17 252H.14A, either parent or the unit may request a court  
3 18 hearing within ten days of the issuance of the second notice  
3 19 of decision under section 252H.17.

3 20 Sec. 10. Section 252H.8, subsection 4, paragraph b, Code  
3 21 2007, is amended to read as follows:

3 22 b. The return of service, proof of service, acceptance of  
3 23 service, or signed statement by the parent requesting review  
3 24 and adjustment or requesting modification, waiving service of  
3 25 the notice.

3 26 Sec. 11. Section 252H.8, subsection 6, Code 2007, is  
3 27 amended to read as follows:

3 28 6. For actions initiated under ~~subchapter II~~ section  
3 29 252H.15, a hearing shall not be held for at least thirty-one  
3 30 days following the date of issuance of the notice of decision  
3 31 unless the parents have jointly waived, in writing, the  
3 32 thirty-day postreview period.

3 33 Sec. 12. Section 252H.9, subsection 1, Code 2007, is  
3 34 amended to read as follows:

3 35 1. If timely request for a court hearing is not made  
4 1 pursuant to section 252H.8, the unit shall prepare and present  
4 2 an administrative order for adjustment or modification, as  
4 3 applicable, for review and approval, ex parte, to the district  
4 4 court where the order to be adjusted or modified is filed.  
4 5 Notwithstanding any other law to the contrary, if more than  
4 6 one support order exists involving children with the same  
4 7 legally established parents, for the purposes of this  
4 8 subsection, the district court reviewing and approving the  
4 9 matter shall have jurisdiction over all other support orders  
4 10 entered by a court of this state and affected under this  
4 11 subsection.

4 12 Sec. 13. Section 252H.10, unnumbered paragraph 1, Code  
4 13 2007, is amended to read as follows:

4 14 Pursuant to section 598.21C, any administrative or court  
4 15 order resulting from an action initiated under this chapter  
4 16 may be made retroactive only ~~to~~ from three months after the  
4 17 date that all parties were successfully served the notice  
4 18 required under section 252H.14A, 252H.15, or section 252H.19,  
4 19 as applicable.

4 20 Sec. 14. Section 252H.11, subsection 2, Code 2007, is  
4 21 amended to read as follows:

4 22 2. If the modification action filed by the parent is  
4 23 subsequently dismissed before being heard by the court, the  
4 24 unit shall continue the action previously initiated under  
4 25 subchapter II or III, or initiate a new action as follows:

4 26 a. If the unit previously initiated an action under  
4 27 subchapter II, and had not issued a notice of decision as  
4 28 required under section 252H.14A or 252H.16, the unit shall  
4 29 proceed as follows:  
4 30 (1) If notice of intent to review was served ninety days  
4 31 or less prior to the date the modification action filed by the  
4 32 parent is dismissed, the unit shall complete the review and  
4 33 issue the notice of decision.

4 34 (2) If the modification action filed by the parent is  
4 35 dismissed more than ninety days after the original notice of  
5 1 intent to review was served, the unit shall serve or issue a  
5 2 new notice of intent to review and conduct the review.

5 3 (3) If the unit initiated a review under section 252H.14A,  
5 4 the unit may issue the notice of decision.

5 5 b. If the unit previously initiated an action under  
5 6 subchapter II and had issued the notice of decision as  
5 7 required under section 252H.14A or 252H.16, the unit shall  
5 8 proceed as follows:

5 9 (1) If the notice of decision was issued ninety days or  
5 10 less prior to the date the modification action filed by the  
5 11 parent is dismissed, the unit shall request, obtain, and  
5 12 verify any new or different information concerning the  
5 13 financial circumstances of the parents and issue a revised  
5 14 notice of decision to each parent, or if applicable, to the  
5 15 parent's attorney.

5 16 (2) If the modification action filed by the parent is  
5 17 dismissed more than ninety days after the date of issuance of  
5 18 the notice of decision, the unit shall serve or issue a new  
5 19 notice of intent to review pursuant to section 252H.15 and  
5 20 conduct a review pursuant to section 252H.16, or conduct a  
5 21 review and serve a new notice of decision under section  
5 22 252H.14A.

5 23 c. If the unit previously initiated an action under  
5 24 subchapter III, the unit shall proceed as follows:

5 25 (1) If the modification action filed by the parent is  
5 26 dismissed more than ninety days after the original notice of  
5 27 intent to modify was served, the unit shall serve a new notice  
5 28 of intent to modify pursuant to section 252H.19.

5 29 (2) If the modification action filed by the parent is  
5 30 dismissed ninety days or less after the original notice of  
5 31 intent to modify was served, the unit shall complete the  
5 32 original modification action initiated by the unit under this  
5 33 subchapter.

5 34 (3) Each parent shall be allowed at least twenty days from  
5 35 the date the administrative modification action is reinstated  
6 1 to request a court hearing as provided for in section 252H.8.

6 2 Sec. 15. NEW SECTION. 252H.14A REVIEWS INITIATED BY THE  
6 3 CHILD SUPPORT RECOVERY UNIT == ABBREVIATED METHOD.

6 4 1. Notwithstanding section 252H.15, to assist the unit in  
6 5 meeting the requirement for reviews and adjustments under the  
6 6 federal Deficit Reduction Act of 2005, Pub. L. No. 109=171,  
6 7 the unit may use procedures under this section to review a  
6 8 support order if all the following apply:

6 9 a. The right to ongoing child support is assigned to the  
6 10 state of Iowa due to the receipt of family investment program  
6 11 assistance, and a review of the support order is required  
6 12 under section 7302 of the federal Deficit Reduction Act of  
6 13 2005, Pub. L. No. 109=171.

6 14 b. The unit has access to information concerning the  
6 15 financial circumstances of each parent and one of the  
6 16 following applies:

6 17 (1) The parent is a recipient of family investment program  
6 18 assistance, medical assistance, or food assistance from the  
6 19 department.

6 20 (2) The parent's income is from supplemental security  
6 21 income paid pursuant to 42 U.S.C. } 1381a.

6 22 (3) The parent is a recipient of disability benefits under  
6 23 the Act because of the parent's disability.

6 24 (4) The parent is an inmate of an institution under the  
6 25 control of the department of corrections.

6 26 2. If the conditions of subsection 1 are met, the unit may  
6 27 conduct a review and determine whether an adjustment is  
6 28 appropriate using information accessible by the unit without  
6 29 issuing a notice under section 252H.15 or requesting  
6 30 additional information from the parent.

6 31 3. Upon completion of the review, the unit shall issue a  
6 32 notice of decision to each parent, or if applicable, to each  
6 33 parent's attorney. The notice shall be served in accordance  
6 34 with the rules of civil procedure or as provided in section  
6 35 252B.26.

7 1 4. All of the following shall be included in the notice of

7 2 decision:

7 3 a. The legal basis and purpose of the action, including an  
7 4 explanation of the procedures for determining child support,  
7 5 the criteria for determining the appropriateness of an  
7 6 adjustment, and a statement that the unit used the child  
7 7 support guidelines established pursuant to section 598.21B and  
7 8 the provisions for medical support pursuant to chapter 252E.

7 9 b. Information sufficient to identify the affected parties  
7 10 and the support order or orders affected.

7 11 c. An explanation of the legal rights and responsibilities  
7 12 of the affected parties, including time frames in which the  
7 13 parties must act.

7 14 d. A statement indicating whether the unit finds that an  
7 15 adjustment is appropriate and the basis for the determination.

7 16 e. Procedures for contesting the action, including that if  
7 17 a parent requests a second review both parents will be  
7 18 requested to submit financial or income information as  
7 19 necessary for application of the child support guidelines  
7 20 established pursuant to section 598.21B.

7 21 f. Other information as appropriate.  
7 22 5. Section 252H.16, subsection 5, regarding a revised  
7 23 notice of decision shall apply to a notice of decision issued  
7 24 under this section.

7 25 6. Each parent shall have the right to challenge the  
7 26 notice of decision issued under this section by requesting a  
7 27 second review by the unit as provided in section 252H.17. If  
7 28 there is no new or different information to consider for the  
7 29 second review, the unit shall issue a second notice of  
7 30 decision based on prior information. Each parent shall have  
7 31 the right to challenge the second notice of decision by  
7 32 requesting a court hearing as provided in section 252H.8.

7 33 Sec. 16. Section 252H.15, subsection 1, Code 2007, is  
7 34 amended to read as follows:

7 35 1. ~~Prior Unless an action is initiated under section~~  
8 1 ~~252H.14A, prior~~ to conducting a review of a support order, the  
8 2 unit shall issue a notice of intent to review and adjust to  
8 3 each parent, or if applicable, to each parent's attorney.  
8 4 However, notice to a child support agency or an agency  
8 5 entitled to receive child or medical support payments as the  
8 6 result of an assignment of support rights is not required.

8 7 Sec. 17. Section 252H.16, subsection 1, Code 2007, is  
8 8 amended to read as follows:

8 9 1. ~~The For actions initiated under section 252H.15, the~~  
8 10 unit shall conduct the review and determine whether an  
8 11 adjustment is appropriate. As necessary, the unit shall make  
8 12 a determination of the controlling order or the amount of  
8 13 delinquent support due based upon the receipt of social  
8 14 security disability payments as provided in sections 598.22  
8 15 and 598.22C.

8 16 Sec. 18. Section 252H.17, subsections 1, 2, and 6, Code  
8 17 2007, are amended to read as follows:

8 18 1. Each parent shall have the right to challenge the  
8 19 notice of decision issued under section ~~252H.14A or~~ 252H.16,  
8 20 by requesting a second review by the unit.

8 21 2. A challenge shall be submitted, in writing, to the  
8 22 local child support office that issued the notice of decision,  
8 23 within ~~thirty days of service of the notice of decision under~~  
8 24 ~~section 252H.14A or within~~ ten days of the issuance of the  
8 25 notice of decision under section 252H.16.

8 26 6. The unit shall conduct a second review, utilizing any  
8 27 new or additional information provided or available since  
8 28 issuance of the notice of decision under section ~~252H.14A or~~  
8 29 ~~under section~~ 252H.16, to determine whether an adjustment is  
8 30 appropriate.

8 31 Sec. 19. RULES. Until the department of human services  
8 32 amends rules pursuant to chapter 17A necessary to conform with  
8 33 this Act, any existing rule relating to review and adjustment  
8 34 of support orders shall also apply to reviews initiated under  
8 35 section 252H.14A, as created in this Act, except that a  
9 1 provision for a time limit, notice, or other procedure which  
9 2 conflicts with a provision of this Act shall not apply.

9 3 Sec. 20. EFFECTIVE DATE. This division of this Act takes  
9 4 effect October 1, 2007.

9 5  
9 6  
9 7  
9 8  
9 9  
9 10  
9 11  
9 12

DIVISION III  
MEDICAL SUPPORT

9 7 Sec. 21. Section 252B.5, subsection 2, Code 2007, is  
9 8 amended to read as follows:

9 9 2. Aid in establishing paternity and securing a court or  
9 10 administrative order for support pursuant to chapter 252A,  
9 11 252C, 252F, or 600B, or any other chapter providing for the  
9 12 establishment of paternity or support. In an action to

9 13 establish support, the resident parent may be a proper party  
9 14 defendant for purposes of determining medical support as  
9 15 provided in section 252E.1A. The unit's independent cause of  
9 16 action shall not bar a party from seeking support in a  
9 17 subsequent proceeding.

9 18 Sec. 22. Section 252C.1, subsection 6, Code 2007, is  
9 19 amended to read as follows:

9 20 6. "Medical support" means either the provision of  
9 21 coverage under a health benefit plan, including a group or  
9 22 employment-related or an individual health benefit plan, or a  
9 23 health benefit plan provided pursuant to chapter 514E, to meet  
9 24 the medical needs of a dependent and the cost of any premium  
9 25 required by a health benefit plan, or the payment to the  
9 26 obligee of a monetary amount in lieu of providing coverage  
9 27 under a health benefit plan, either of which is an obligation  
9 28 separate from any monetary amount of child support ordered to  
9 29 be paid. "Medical support" which consists of payment of a  
9 30 monetary amount in lieu of a health benefit plan is also an  
9 31 obligation separate from any monetary amount a parent is  
9 32 ordered to pay for uncovered medical expenses pursuant to the  
9 33 guidelines established pursuant to section 598.21B.

9 34 Sec. 23. Section 252C.3, subsection 1, unnumbered  
9 35 paragraph 1, Code 2007, is amended to read as follows:

10 1 The administrator may issue a notice stating the intent to  
10 2 secure an order for either ~~payment of~~ medical support  
10 3 ~~established as defined provided~~ in chapter 252E or payment of  
10 4 an accrued or accruing support debt due and owed to the  
10 5 department or an individual under section 252C.2, or both.  
10 6 The notice shall be served upon the responsible person in  
10 7 accordance with the rules of civil procedure. The notice  
10 8 shall include all of the following:

10 9 Sec. 24. Section 252C.3, subsection 1, paragraph c,  
10 10 subparagraph (1), Code 2007, is amended to read as follows:

10 11 (1) A statement that if the responsible person desires to  
10 12 discuss the amount of support that ~~the a~~ responsible person  
10 13 should be required to pay, the responsible person may, within  
10 14 ten days after being served, contact the office of the child  
10 15 support recovery unit which sent the notice and request a  
10 16 negotiation conference.

10 17 Sec. 25. Section 252C.12, subsection 2, Code 2007, is  
10 18 amended to read as follows:

10 19 2. Upon receipt of a signed statement from ~~the each~~  
10 20 responsible person waiving the time limitations established in  
10 21 section 252C.3, the administrator may proceed to enter an  
10 22 order for support and the court may approve the order, whether  
10 23 or not the time limitations have expired.

10 24 Sec. 26. Section 252D.18A, Code 2007, is amended to read  
10 25 as follows:

10 26 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS == ORDERS FOR  
10 27 HEALTH BENEFIT PLANS == AMOUNTS WITHHELD BY PAYOR.

10 28 When the obligor ~~is responsible for paying~~ has more than  
10 29 one support obligation ~~and or~~ the payor of income has received  
10 30 more than one ~~income withholding order or notice of an order~~  
10 31 for the obligor for income withholding or for coverage under a  
10 32 health benefit plan pursuant to chapter 252E, the payor shall  
10 33 withhold amounts in accordance with all of the following:

10 34 1. The total of all amounts withheld shall not exceed the  
10 35 amounts specified in 15 U.S.C. } 1673(b). For orders or  
11 1 notices issued by the child support recovery unit, the limit  
11 2 for the amount to be withheld shall be specified in the order  
11 3 or notice.

11 4 2. As reimbursement for the payor's processing costs, the  
11 5 payor may deduct a fee of no more than two dollars for each  
11 6 payment withheld in addition to the amount withheld for  
11 7 support.

11 8 3. Priority shall be given to the withholding of current  
11 9 support ~~rather than delinquent support~~. The payor shall not  
11 10 allocate amounts withheld in a manner which results in the  
11 11 failure to withhold an amount for one or more of the current  
11 12 child or spousal support obligations. If the limits specified  
11 13 in subsection 1 prevent withholding the full amount specified  
11 14 in the order or notice, the payor shall withhold amounts in  
11 15 the following priority:

11 16 a. Withhold the amount specified for current child and  
11 17 spousal support. To arrive at the amount to be withheld for  
11 18 each obligee, the payor shall total the amounts due for  
11 19 current child and spousal support under the income withholding  
11 20 orders and the notices of orders and determine the  
11 21 proportionate share for each obligee. The proportionate share  
11 22 shall be determined by dividing the amount due for current  
11 23 child and spousal support for each order or notice of order by

11 24 the total due for current child and spousal support for all  
11 25 orders and notices of orders. The results are the percentages  
11 26 of the obligor's net income which shall be withheld for each  
11 27 obligee.

11 28 b. If, after completing the calculation in paragraph "a",  
11 29 the withholding limit specified under subsection 1 has not  
11 30 been attained, the payor shall withhold the amount necessary  
11 31 to comply with an order or notice of order for a current  
11 32 premium for coverage of a child under a health benefit plan as  
11 33 provided in section 252D.30 or section 252E.1A, subsection 2,  
11 34 or for a current monetary amount for the child for medical  
11 35 support. If there is more than one medical support order or  
12 1 notice of order for a current monetary amount for a child, the  
12 2 payor shall total the amounts due for current monetary amounts  
12 3 for all children for medical support and determine the  
12 4 proportionate share for each obligee. The proportionate  
12 5 amounts shall be established utilizing the procedures  
12 6 established in paragraph "a" for current child and spousal  
12 7 support obligations.

12 8 ~~b-~~ c. If, after completing the calculation calculations  
12 9 in paragraph paragraphs "a" and "b", the withholding limit  
12 10 specified under subsection 1 has not been attained, the payor  
12 11 shall total the amounts due for arrearages and determine the  
12 12 proportionate share for each obligee. The proportionate share  
12 13 amounts shall be established utilizing the procedures  
12 14 established in paragraph "a" for current child and spousal  
12 15 support obligations.

12 16 d. If after completing the calculations in paragraphs "a",  
12 17 "b", and "c", the withholding limit specified in subsection 1  
12 18 has not been attained, the payor shall withhold the amount  
12 19 necessary for other child support obligations, unless the  
12 20 order or notice directs otherwise as provided by Title IV,  
12 21 part D, of the federal Social Security Act.

12 22 4. The payor shall identify and report payments by the  
12 23 obligor's name, account number, amount, and date withheld  
12 24 pursuant to section 252D.17. ~~Until October 1, 1999, if~~  
12 25 ~~payments for multiple obligees are combined, the portion of~~  
12 26 ~~the payment attributable to each obligee shall be specifically~~  
12 27 ~~identified. Beginning October 1, 1999, if~~ If payments for  
12 28 multiple obligees are combined, the portion of the payment  
12 29 attributable to each obligee shall be specifically identified  
12 30 only if the payor is directed to do so by the child support  
12 31 recovery unit.

12 32 Sec. 27. Section 252E.1, subsection 9, Code 2007, is  
12 33 amended to read as follows:

12 34 9. "Medical support" means either the provision of a  
12 35 health benefit plan, including a group or employment-related  
13 1 or an individual health benefit plan, or a health benefit plan  
13 2 provided pursuant to chapter 514E, to meet the medical needs  
13 3 of a dependent and the cost of any premium required by a  
13 4 health benefit plan, or the payment to the obligee of a  
13 5 monetary amount in lieu of a health benefit plan, either of  
13 6 which is an obligation separate from any monetary amount of  
13 7 child support ordered to be paid. Medical support is not  
13 8 alimony. "Medical support" which consists of payment of a  
13 9 monetary amount in lieu of a health benefit plan is also an  
13 10 obligation separate from any monetary amount a parent is  
13 11 ordered to pay for uncovered medical expenses pursuant to the  
13 12 guidelines established pursuant to section 598.21B.

13 13 Sec. 28. NEW SECTION. 252E.1A ESTABLISHING AND MODIFYING  
13 14 ORDERS FOR MEDICAL SUPPORT.

13 15 This section shall apply to all initial or modified orders  
13 16 for support entered under chapter 234, 252A, 252C, 252F, 252H,  
13 17 598, 600B, or any other applicable chapter.

13 18 1. An order or judgment that provides for temporary or  
13 19 permanent support for a child shall include a provision for  
13 20 medical support for the child as provided in this section.

13 21 2. The court shall order as medical support for the child  
13 22 a health benefit plan if available to either parent at the  
13 23 time the order is entered or modified. A plan is available if  
13 24 the plan is accessible and the cost of the plan is reasonable.

13 25 a. The cost of a health benefit plan is considered  
13 26 reasonable, and such amount shall be stated in the order, if  
13 27 one of the following applies:

13 28 (1) The premium cost for a child to the parent ordered to  
13 29 provide the plan does not exceed five percent of that parent's  
13 30 gross income.

13 31 (2) The premium cost for a child exceeds five percent of  
13 32 the gross income of the parent ordered to provide the plan and  
13 33 that parent consents or does not object to entry of that  
13 34 order.

13 35 b. For purposes of this section, "gross income" has the  
14 1 same meaning as gross income for calculation of support under  
14 2 the guidelines established under section 598.21B.

14 3 c. For purposes of this section, the premium cost for a  
14 4 child to the parent ordered to provide the plan means the  
14 5 amount of the premium cost for family coverage to the parent  
14 6 which is in excess of the premium cost for single coverage,  
14 7 regardless of the number of individuals covered under the  
14 8 plan. However, this paragraph shall not be interpreted to  
14 9 reduce the amount of the health insurance premium deduction a  
14 10 parent may be entitled to when calculating the amount of a  
14 11 child support obligation under Iowa court rule 9.5 of the  
14 12 child support guidelines.

14 13 3. If a health benefit plan is not available at the time  
14 14 of the entry of the order, the court shall order a reasonable  
14 15 monetary amount in lieu of a health benefit plan, which amount  
14 16 shall be stated in the order. For purposes of this  
14 17 subsection, a reasonable amount means five percent of the  
14 18 gross income of the parent ordered to provide the monetary  
14 19 amount for medical support. This subsection shall not apply  
14 20 in any of the following circumstances:

14 21 a. If the parent's monthly support obligation established  
14 22 pursuant to the child support guidelines prescribed by the  
14 23 supreme court pursuant to section 598.21B is the minimum  
14 24 obligation amount.

14 25 b. If subsection 7, paragraph "e" applies.

14 26 4. If the court orders the custodial parent to provide a  
14 27 health benefit plan under subsection 2, the court may also  
14 28 order the noncustodial parent to provide a reasonable monetary  
14 29 amount in lieu of a health benefit plan. For purposes of this  
14 30 subsection, a reasonable monetary amount means an amount not  
14 31 to exceed the lesser of a reasonable amount as described in  
14 32 subsection 3, or the premium cost of coverage for the child to  
14 33 the custodial parent as described in subsection 2, paragraph  
14 34 "c".

14 35 5. Notwithstanding the requirements of this section, the  
15 1 court may order provisions in the alternative to those  
15 2 provided in this section to address the health care needs of  
15 3 the child if the court determines that extreme circumstances  
15 4 so require and documents the court's written findings in the  
15 5 order.

15 6 6. An order, decree, or judgment entered before March 1,  
15 7 2008, that provides for the support of a child may be modified  
15 8 in accordance with this section.

15 9 7. If the child support recovery unit is providing  
15 10 services under chapter 252B and initiating an action to  
15 11 establish or modify support, all the following shall also  
15 12 apply:

15 13 a. If a health benefit plan is available as described in  
15 14 subsection 2 to the noncustodial parent, the unit shall seek  
15 15 an order for the noncustodial parent to provide the plan.

15 16 b. If a health benefit plan is available as described in  
15 17 subsection 2 to the custodial parent and not to the  
15 18 noncustodial parent, the unit shall seek an order for the  
15 19 custodial parent to provide the plan.

15 20 c. If a health benefit plan is available as described in  
15 21 subsection 2 to each parent, and if there is an order for  
15 22 joint physical care, the unit shall seek an order for the  
15 23 parent currently ordered to provide a health benefit plan to  
15 24 provide the plan. If there is no current order for a health  
15 25 benefit plan for the child, the unit shall seek an order for  
15 26 the parent who is currently providing a health benefit plan to  
15 27 provide the plan.

15 28 d. If a health benefit plan is not available, and the  
15 29 noncustodial parent does not have income which may be subject  
15 30 to income withholding for collection of a reasonable monetary  
15 31 amount in lieu of a health benefit plan at the time of the  
15 32 entry of the order, the unit shall seek an order that the  
15 33 noncustodial parent provide a health benefit plan when a plan  
15 34 becomes available at reasonable cost, and the order shall  
15 35 specify the amount of reasonable cost as defined in subsection  
16 1 2.

16 2 e. This section shall not apply to chapter 252H,  
16 3 subchapter IV.

16 4 Sec. 29. NEW SECTION. 252E.2A SATISFACTION OF MEDICAL  
16 5 SUPPORT ORDER.

16 6 This section shall apply if the child support recovery unit  
16 7 is providing services under chapter 252B.

16 8 1. Notwithstanding any law to the contrary and without a  
16 9 court order, a medical support order for a child shall be  
16 10 deemed satisfied with regard to the department, the child, the

16 11 obligor, and the obligee for the period during which all the  
16 12 following conditions are met:

16 13 a. The order is issued under any applicable chapter of the  
16 14 Code.

16 15 b. The unit is notified that the conditions of paragraph  
16 16 "c" are met and there is a pending action to establish or  
16 17 modify support initiated by the unit, or the parent ordered to  
16 18 provide medical support submits a written statement to the  
16 19 unit that the requirements of paragraph "c" are met.

16 20 c. The parent ordered to provide medical support or the  
16 21 parent from whom the unit is seeking to establish or modify  
16 22 medical support meets at least one of the following  
16 23 conditions:

16 24 (1) The parent is an inmate of an institution under the  
16 25 control of the department of corrections or a comparable  
16 26 institution in another state.

16 27 (2) The parent's monthly child support obligation under  
16 28 the guidelines established pursuant to section 598.21B is the  
16 29 minimum obligation amount.

16 30 (3) The parent is a recipient of assistance under chapter  
16 31 239B or 249A, or under comparable laws of another state.

16 32 (4) The parent is residing with any child for whom the  
16 33 parent is legally responsible and that child is a recipient of  
16 34 assistance under chapter 239B, 249A, or 514I, or under  
16 35 comparable laws of another state. For purposes of this  
17 1 subparagraph, "legally responsible" means the parent has a  
17 2 legal obligation to the child as specified in Iowa court rule  
17 3 9.7 of the child support guidelines.

17 4 d. The unit files a notice of satisfaction with the clerk  
17 5 of the district court. The effective date of the satisfaction  
17 6 shall be stated in the notice and the effective date shall be  
17 7 no later than forty-five days after the unit issues the notice  
17 8 of satisfaction.

17 9 2. If a medical support order is satisfied under  
17 10 subsection 1, the satisfaction shall continue until all of the  
17 11 following apply:

17 12 a. The unit is notified that none of the conditions  
17 13 specified in subsection 1, paragraph "c", still applies.

17 14 b. The unit files a satisfaction termination notice that  
17 15 the requirements for a satisfaction under this section no  
17 16 longer apply. The effective date shall be stated in the  
17 17 satisfaction termination notice and the effective date shall  
17 18 be no later than forty-five days after the unit issues the  
17 19 satisfaction termination notice.

17 20 3. The unit shall mail a copy of the notice of  
17 21 satisfaction and the satisfaction termination notice to the  
17 22 last known address of the obligor and obligee.

17 23 4. The department of human services may match data for  
17 24 enrollees of the hawk-i program created pursuant to chapter  
17 25 514I with data of the unit to assist the unit in implementing  
17 26 this section.

17 27 5. An order, decree, or judgment entered or pending on or  
17 28 before March 1, 2008, that provides for the support of a child  
17 29 may be satisfied as provided in this section.

17 30 Sec. 30. Section 252E.4, subsection 1, Code 2007, is  
17 31 amended to read as follows:

17 32 1. When a support order requires an obligor to provide  
17 33 coverage under a health benefit plan, the district court or  
17 34 the department may enter an ex parte order directing an  
17 35 employer to take all actions necessary to enroll an obligor's  
18 1 dependent for coverage under a health benefit plan or may  
18 2 include the provisions in an ex parte income withholding order  
18 3 or notice of income withholding pursuant to chapter 252D. The  
18 4 child support recovery unit, where appropriate, shall issue a  
18 5 national medical support notice to an employer within two  
18 6 business days after the date information regarding a newly  
18 7 hired employee is entered into the centralized employee  
18 8 registry and matched with a noncustodial parent in the case  
18 9 being enforced by the unit, or upon receipt of other  
18 10 employment information for such parent. The department may  
18 11 amend the information in the ex parte order or may amend or  
18 12 terminate the national medical support notice regarding health  
18 13 insurance provisions if necessary to comply with health  
18 14 insurance requirements including but not limited to the  
18 15 provisions of section 252E.2, subsection 2, or to correct a  
18 16 mistake of fact.

18 17 Sec. 31. Section 252E.5, subsection 3, Code 2007, is  
18 18 amended to read as follows:

18 19 3. The employer shall withhold from the employee's  
18 20 compensation, the employee's share, if any, of premiums for  
18 21 the health benefit plan in an amount that does not exceed the

18 22 amount specified in the national medical support notice or  
18 23 order or the amount specified in 15 U.S.C. } 1673(b) and which  
18 24 is consistent with federal law. The employer shall forward  
18 25 the amount withheld to the insurer. If the employee has more  
18 26 than one obligation and if there is insufficient compensation  
18 27 available to meet the employee's share necessary for coverage  
18 28 of the child under a health benefit plan as required under  
18 29 this section or section 252D.30, and to comply with an order  
18 30 to withhold or notice under section 252D.17, the employer  
18 31 shall allocate the funds available in accordance with section  
18 32 252D.18A.

18 33 Sec. 32. Section 252F.1, Code 2007, is amended by adding  
18 34 the following new subsection:

18 35 NEW SUBSECTION. 3A. "Party" means a putative father or a  
19 1 mother.

19 2 Sec. 33. Section 252F.3, subsection 1, unnumbered  
19 3 paragraph 1, Code 2007, is amended to read as follows:

19 4 The unit may prepare a notice of alleged paternity and  
19 5 support debt to be served on ~~the putative father~~ a party if  
19 6 the mother of the child provides a written statement to the  
19 7 unit certifying in accordance with section 622.1 that the  
19 8 putative father is or may be the biological father of the  
19 9 child or children involved. The notice shall be accompanied  
19 10 by a copy of the statement and served on the putative father  
19 11 in accordance with rule of civil procedure 1.305. Service  
19 12 upon the mother shall not constitute valid service upon the  
19 13 putative father. The notice shall include or be accompanied  
19 14 by all of the following:

19 15 Sec. 34. Section 252F.3, subsection 1, paragraphs d, f, g,  
19 16 h, j, k, and m, Code 2007, are amended to read as follows:

19 17 d. A statement that if paternity is established, ~~the~~  
19 18 ~~putative father~~ a party has a duty to provide accrued and  
19 19 accruing medical support to the child or children in  
19 20 accordance with chapter 252E.

19 21 f. (1) The right of ~~the putative father~~ a party to  
19 22 request a conference with the unit to discuss paternity  
19 23 establishment and the amount of support that ~~the putative~~  
19 24 ~~father~~ a party may be required to ~~pay~~ provide, within ten days  
19 25 of the date of service of the original notice or, if paternity  
19 26 is contested and paternity testing is conducted, within ten  
19 27 days of the date the paternity test results are issued or  
19 28 mailed to ~~the putative father~~ a party by the unit.

19 29 (2) A statement that if a conference is requested, ~~the~~  
19 30 ~~putative father~~ a party shall have one of the following time  
19 31 frames, whichever is the latest, to send a written request for  
19 32 a court hearing on the issue of support to the unit:

19 33 (a) Ten days from the date set for the conference.  
19 34 (b) Twenty days from the date of service of the original  
19 35 notice.

20 1 (c) If paternity was contested and paternity testing was  
20 2 conducted, and ~~the putative father~~ a party does not deny  
20 3 paternity after the testing or challenge the paternity test  
20 4 results, twenty days from the date paternity test results are  
20 5 issued or mailed by the unit to the ~~putative father~~ party.

20 6 (3) A statement that after the holding of the conference,  
20 7 the unit shall issue a new notice of alleged paternity and  
20 8 finding of financial responsibility for child support or  
20 9 medical support, or both, to be provided in person to ~~the~~  
20 10 ~~putative father~~ each party or sent to ~~the putative father~~ each  
20 11 party by regular mail addressed to the ~~putative father's~~

20 12 party's last known address or, if applicable, to the last  
20 13 known address of the ~~putative father's~~ party's attorney.

20 14 (4) A statement that if the unit issues a new notice of  
20 15 alleged paternity and finding of financial responsibility for  
20 16 child support or medical support, or both, ~~the putative father~~  
20 17 a party shall have one of the following time frames, whichever  
20 18 is the latest, to send a written request for a court hearing  
20 19 on the issue of support to the unit:

20 20 (a) Ten days from the date of issuance of the new notice.

20 21 (b) Twenty days from the date of service of the original  
20 22 notice.

20 23 (c) If paternity was contested and paternity testing  
20 24 conducted, and ~~the putative father~~ a party does not deny  
20 25 paternity after the testing or challenge the paternity test  
20 26 results, twenty days from the date the paternity test results  
20 27 are issued or mailed to the ~~putative father~~ party by the unit.

20 28 g. A statement that if a conference is not requested, and  
20 29 ~~the putative father~~ a party does not deny paternity or  
20 30 challenge the results of any paternity testing conducted but  
20 31 objects to the finding of financial responsibility or the  
20 32 amount of child support or medical support, or both, the

20 33 ~~putative father party~~ shall send a written request for a court  
20 34 hearing on the issue of support to the unit within twenty days  
20 35 of the date of service of the original notice, or, if  
21 1 paternity was contested and paternity testing conducted, and  
21 2 ~~the putative father a party~~ does not deny paternity after the  
21 3 testing or challenge the paternity test results, within twenty  
21 4 days from the date the paternity test results are issued or  
21 5 mailed to the ~~putative father party~~ by the unit, whichever is  
21 6 later.

21 7 h. A statement that if a timely written request for a  
21 8 hearing on the issue of support is received by the unit, the  
21 9 ~~putative father party~~ shall have the right to a hearing to be  
21 10 held in district court and that if no timely written request  
21 11 is received and paternity is not contested, the administrator  
21 12 shall enter an order establishing the putative father as the  
21 13 father of the child or children and establishing child support  
21 14 or medical support, or both, in accordance with the notice of  
21 15 alleged paternity and support debt.

21 16 j. A written explanation of ~~the putative father's a~~  
21 17 ~~party's~~ right to deny paternity, the procedures for denying  
21 18 paternity, and the consequences of the denial.

21 19 k. A statement that if ~~the putative father a party~~  
21 20 contests paternity, the ~~putative father party~~ shall have  
21 21 twenty days from the date of service of the original notice to  
21 22 submit a written denial of paternity to the unit.

21 23 m. A statement that if paternity tests are conducted, the  
21 24 unit shall provide a copy of the test results to ~~the putative~~  
21 25 ~~father each party~~ in person or send a copy to ~~the putative~~  
21 26 ~~father each party~~ by regular mail, addressed to the ~~putative~~  
21 27 ~~father's party's~~ last known address, or, if applicable, to the  
21 28 last known address of the ~~putative father's party's~~ attorney.

21 29 Sec. 35. Section 252F.3, subsection 3, unnumbered  
21 30 paragraph 1, Code 2007, is amended to read as follows:

21 31 If notice is served on ~~the putative father a party~~, the  
21 32 unit shall file a true copy of the notice and the original  
21 33 return of service with the appropriate clerk of the district  
21 34 court as follows:

21 35 Sec. 36. Section 252F.3, subsection 4, unnumbered  
22 1 paragraph 1, Code 2007, is amended to read as follows:

22 2 A ~~putative father party~~ or the child support recovery unit  
22 3 may request a court hearing regarding establishment of  
22 4 paternity or a determination of support, or both.

22 5 Sec. 37. Section 252F.3, subsection 4, paragraph c, Code  
22 6 2007, is amended to read as follows:

22 7 c. Any objection to the results of paternity tests shall  
22 8 be filed no later than twenty days after the date paternity  
22 9 test results are issued or mailed to ~~the putative father each~~  
22 10 ~~party~~ by the unit. Any objection to paternity test results  
22 11 filed by a party more than twenty days after the date  
22 12 paternity tests are issued or mailed to the ~~putative father~~  
22 13 ~~party~~ by the unit shall not be accepted or considered by the  
22 14 court.

22 15 Sec. 38. Section 252F.3, subsection 5, Code 2007, is  
22 16 amended to read as follows:

22 17 5. If a timely written response and request for a court  
22 18 hearing is not received by the unit and ~~the putative father a~~  
22 19 ~~party~~ does not deny paternity, the administrator shall enter  
22 20 an order in accordance with section 252F.4.

22 21 Sec. 39. Section 252F.3, subsection 6, paragraphs a, f,  
22 22 and m, Code 2007, are amended to read as follows:

22 23 a. If a party contests the establishment of paternity, the  
22 24 party shall submit, within twenty days of service of the  
22 25 notice on the ~~putative father party~~ under subsection 1, a  
22 26 written statement contesting paternity establishment to the  
22 27 unit. Upon receipt of a written challenge of paternity  
22 28 establishment, or upon initiation by the unit, the  
22 29 administrator shall enter ex parte administrative orders  
22 30 requiring the mother, child or children involved, and the  
22 31 putative father to submit to paternity testing. Either the  
22 32 mother or putative father may contest paternity under this  
22 33 chapter.

22 34 f. An original copy of the test results shall be filed  
22 35 with the clerk of the district court in the county where the  
23 1 notice was filed. The child support recovery unit shall issue  
23 2 a copy of the filed test results to ~~the putative father and~~  
23 3 ~~mother of the child or children each party~~ in person, or by  
23 4 regular mail to the last known address of each, or if  
23 5 applicable, to the last known address of the attorney for  
23 6 each. However, if the action is the result of a request from  
23 7 a foreign jurisdiction, the unit shall issue a copy of the  
23 8 results to the initiating agency in that foreign jurisdiction.

23 9 m. If the paternity test results exclude the putative  
23 10 father as a potential biological father of the child or  
23 11 children, and additional tests are not requested by either  
23 12 party or conducted on the unit's initiative, or if additional  
23 13 tests exclude the putative father as a potential biological  
23 14 father, the unit shall withdraw its action against the  
23 15 putative father and shall file a notice of the withdrawal with  
23 16 the clerk of the district court, and shall provide a copy of  
23 17 the notice to ~~the putative father~~ each party in person, or by  
23 18 regular mail sent to ~~the putative father's~~ each party's last  
23 19 known address, or if applicable, the last known address of the  
23 20 ~~putative father's party's~~ attorney.

23 21 Sec. 40. Section 252F.4, Code 2007, is amended to read as  
23 22 follows:

23 23 252F.4 ENTRY OF ORDER.

23 24 1. If ~~the putative father fails~~ both parties fail to  
23 25 respond to the initial notice within twenty days after the  
23 26 date of service of the notice or ~~fails fail~~ to appear at a  
23 27 conference pursuant to section 252F.3 on the scheduled date of  
23 28 the conference, and paternity has not been contested and ~~the~~  
~~23 29 putative father fails~~ both parties fail to timely request a  
23 30 court hearing on the issue of support, the administrator shall  
23 31 enter an order against the ~~putative father~~ parties, declaring  
23 32 the putative father to be the legal father of the child or  
23 33 children involved and assessing any accrued and accruing child  
23 34 support obligation pursuant to the guidelines established  
23 35 under section 598.21B, and medical support pursuant to chapter  
24 1 252E, ~~against the father.~~

24 2 2. If paternity is contested pursuant to section 252F.3,  
24 3 subsection 6, and the party contesting paternity fails to  
24 4 appear for a paternity test and fails to request a  
24 5 rescheduling pursuant to section 252F.3, or fails to appear  
24 6 for both the initial and the rescheduled paternity tests and  
24 7 ~~the putative father fails~~ both parties fail to timely request  
24 8 a court hearing on the issue of support, the administrator  
24 9 shall enter an order against the ~~putative father~~ parties  
24 10 declaring the putative father to be the legal father of the  
24 11 child or children involved and assessing any accrued and  
24 12 accruing child support obligation pursuant to the guidelines  
24 13 established under section 598.21B, and medical support  
24 14 pursuant to chapter 252E, ~~against the father.~~

24 15 3. If ~~the putative father appears at~~ a conference pursuant  
24 16 to section 252F.3 is held, and paternity is not contested, and  
24 17 ~~the putative father fails~~ both parties fail to timely request  
24 18 a court hearing on the issue of support, the administrator  
24 19 shall enter an order against the ~~putative father~~ parties after  
24 20 the second notice has been sent declaring the putative father  
24 21 to be the legal father of the child or children involved and  
24 22 assessing any accrued and accruing child support obligation  
24 23 pursuant to the guidelines established under section 598.21B,  
24 24 and medical support pursuant to chapter 252E, ~~against the~~  
~~24 25 father.~~

24 26 4. If paternity was contested and paternity testing was  
24 27 performed and the putative father was not excluded, if the  
24 28 test results indicate that the probability of the putative  
24 29 father's paternity is ninety-five percent or greater, if the  
24 30 test results are not timely challenged, and if ~~the putative~~  
~~24 31 father fails~~ both parties fail to timely request a court  
24 32 hearing on the issue of support, the administrator shall enter  
24 33 an order against the ~~putative father~~ parties declaring the  
24 34 putative father to be the legal father of the child or  
24 35 children involved and assessing any accrued and accruing child  
25 1 support obligation pursuant to the guidelines established  
25 2 under section 598.21B, and medical support pursuant to chapter  
25 3 252E, ~~against the father.~~

25 4 5. The administrator shall establish a support obligation  
25 5 under this section based upon the best information available  
25 6 to the unit and pursuant to section 252B.7A.

25 7 6. The order shall contain all of the following:

- 25 8 a. A declaration of paternity.
- 25 9 b. The amount of monthly support to be paid, with  
25 10 direction as to the manner of payment.
- 25 11 c. The amount of accrued support.
- 25 12 d. The name of the custodial parent or caretaker.
- 25 13 e. The name and birth date of the child or children to  
25 14 whom the order applies.
- 25 15 f. A statement that property of ~~the father~~ a party ordered  
25 16 to provide support is subject to income withholding, liens,  
25 17 garnishment, tax offset, and other collection actions.
- 25 18 g. The medical support required pursuant to chapter 598  
25 19 and chapter 252E.

25 20 h. A statement that ~~the father a party who is ordered to~~  
25 21 provide support is required to inform the child support  
25 22 recovery unit, on a continuing basis, of the name and address  
25 23 of the ~~father's party's~~ current employer, whether the ~~father~~  
25 24 party has access to health insurance coverage ~~through~~  
25 25 ~~employment or at reasonable cost through other sources as~~  
25 26 required in the order, and if so, the health insurance policy  
25 27 information.

25 28 i. If paternity was contested by the putative father, the  
25 29 amount of any judgment assessed to the father for costs of  
25 30 paternity tests conducted pursuant to this chapter.

25 31 j. Statements as required pursuant to section 598.22B.

25 32 7. If paternity is not contested but ~~the putative father a~~  
25 33 party does wish to challenge the issues of child or medical  
25 34 support, the administrator shall enter an order establishing  
25 35 paternity and reserving the issues of child or medical support  
26 1 for determination by the district court.

26 2 Sec. 41. Section 252F.5, subsection 2, Code 2007, is  
26 3 amended to read as follows:

26 4 2. An action under this chapter may be certified to the  
26 5 district court if a party timely contests paternity  
26 6 establishment or paternity test results, or if ~~the putative~~  
26 7 father a party requests a court hearing on the issues of child  
26 8 or medical support, or both, or upon the initiation of the  
26 9 unit as provided in this chapter. Review by the district  
26 10 court shall be an original hearing before the court.

26 11 Sec. 42. Section 252F.5, subsection 3, paragraph c, Code  
26 12 2007, is amended to read as follows:

26 13 c. A timely written objection to paternity establishment  
26 14 or paternity test results has been received from a party, or a  
26 15 timely written request for a court hearing on the issue of  
26 16 support has been received from ~~the putative father a party~~ by  
26 17 the unit, or the unit has requested a court hearing on the  
26 18 unit's own initiative.

26 19 Sec. 43. Section 252H.2, subsection 2, paragraph b, Code  
26 20 2007, is amended to read as follows:

26 21 b. An addition of or change to provisions for medical  
26 22 support as ~~defined provided in section 252E.1 chapter 252E.~~

26 23 Sec. 44. Section 252H.2, subsection 13, Code 2007, is  
26 24 amended to read as follows:

26 25 13. "Support order" means ~~a "court order" as defined in~~  
26 26 ~~section 252C.1 or an order establishing support entered~~  
26 27 ~~pursuant to an administrative or quasi-judicial process if~~  
26 28 ~~authorized by law an order for support issued pursuant to~~  
26 29 ~~chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or~~  
26 30 ~~any other applicable chapter, or under a comparable statute of~~  
26 31 ~~a foreign jurisdiction as registered with the clerk of court~~  
26 32 ~~or certified to the child support recovery unit.~~

26 33 Sec. 45. NEW SECTION. 252H.3A ADDING A PARTY.  
26 34 A mother or father may be added as a proper party defendant  
26 35 to a support order upon service of a notice as provided in  
27 1 this chapter and without a court order as provided in the  
27 2 rules of civil procedure.

27 3 Sec. 46. Section 252H.14, subsection 1, paragraph b, Code  
27 4 2007, is amended to read as follows:

27 5 b. ~~The right to any ongoing medical support obligation is~~  
27 6 ~~currently assigned to the state due to the receipt of public~~  
27 7 ~~assistance unless:~~

27 8 (1) ~~b. The support order does not already includes~~  
27 9 ~~include provisions requiring the parent ordered to pay child~~  
27 10 ~~support to also provide for medical support.~~

27 11 (2) ~~The parent entitled to receive support has~~  
27 12 ~~satisfactory health insurance coverage for the children,~~  
27 13 ~~excluding coverage resulting from the receipt of public~~  
27 14 ~~assistance benefits.~~

27 15 Sec. 47. Section 252H.14, subsection 2, Code 2007, is  
27 16 amended to read as follows:

27 17 2. The unit may periodically initiate a request to a child  
27 18 support agency of another state to conduct a review of a  
27 19 support order entered in that state when the right to any  
27 20 ongoing child or medical support obligation due under the  
27 21 order is currently assigned to the state of Iowa or if the  
27 22 order does not include provisions for medical support.

27 23 Sec. 48. Section 598.21B, subsection 3, Code 2007, is  
27 24 amended to read as follows:

27 25 3. MEDICAL SUPPORT. The court shall order ~~as~~ child  
27 26 medical support ~~a health benefit plan as defined in chapter~~  
27 27 ~~252E if available to either parent at a reasonable cost. A~~  
27 28 ~~health benefit plan is considered reasonable in cost if it is~~  
27 29 ~~employment-related or other group health insurance, regardless~~  
27 30 ~~of the service delivery mechanism as provided in section~~

27 31 252E.1A. The premium cost of ~~the a~~ health benefit plan may be  
27 32 considered by the court as a reason for varying from the child  
27 33 support guidelines. ~~If a health benefit plan is not available~~  
27 34 ~~at a reasonable cost, the court may order any other provisions~~  
27 35 ~~for medical support as defined in chapter 252E.~~

28 1 Sec. 49. Section 598.21C, subsection 2, paragraph a, Code  
28 2 2007, is amended to read as follows:

28 3 a. Subject to 28 U.S.C. } 1738B, but notwithstanding  
28 4 subsection 1, a substantial change of circumstances exists  
28 5 when the court order for child support varies by ten percent  
28 6 or more from the amount which would be due pursuant to the  
28 7 most current child support guidelines established pursuant to  
28 8 section 598.21B or ~~the obligor a parent has access to~~ a health  
28 9 benefit plan, ~~available as provided in section 252E.1A and the~~  
28 10 ~~current order for support does not contain provisions for~~  
28 11 ~~medical support, and the dependents are not covered by a~~  
28 12 ~~health benefit plan provided by the obligee, excluding~~  
28 13 ~~coverage pursuant to chapter 249A or a comparable statute of a~~  
28 14 ~~foreign jurisdiction.~~

28 15 Sec. 50. AMENDING AND NULLIFICATION OF ADMINISTRATIVE  
28 16 RULES.

28 17 1. Until the department of human services amends rules  
28 18 pursuant to chapter 17A necessary to conform with this Act,  
28 19 all of the following shall apply:

28 20 a. The child support recovery unit may initiate  
28 21 proceedings to establish or modify orders for medical support  
28 22 for a child in accordance with section 252E.1A as created in  
28 23 this Act, regardless of whether support is assigned to the  
28 24 state.

28 25 b. The term "child support account" in existing rules  
28 26 shall also mean a specified monetary amount for medical  
28 27 support, unless the context otherwise requires.

28 28 c. A reference to a health benefit plan at reasonable cost  
28 29 shall mean reasonable cost as defined in section 252E.1A, as  
28 30 enacted in this Act.

28 31 d. A requirement for including a provision for an  
28 32 employment-related or other group health benefit plan, or for  
28 33 determining medical support, shall be limited and applied in  
28 34 accordance with section 252E.1A, as created in this Act.

28 35 2. 441 Iowa administrative Code, rule 98.3, relating to  
29 1 the establishment of medical support is nullified.

29 2 Sec. 51. EFFECTIVE DATE. This division of this Act takes  
29 3 effect March 1, 2008.

29 4 DIVISION IV  
29 5 SUPPORT PAYMENT INTEREST

29 6 Sec. 52. Section 252B.13A, Code 2007, is amended by adding  
29 7 the following new subsection:

29 8 NEW SUBSECTION. 3. Notwithstanding section 12C.7,  
29 9 subsection 2, interest earned on moneys received under this  
29 10 section shall be credited to the child support payments  
29 11 account.

29 12 Sec. 53. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.  
29 13 This division of this Act, being deemed of immediate  
29 14 importance, takes effect upon enactment, and is retroactively  
29 15 applicable to July 1, 2006.

29 16 EXPLANATION

29 17 This bill relates to child support provisions.  
29 18 Division I of the bill relates to child support sanctions.  
29 19 The federal Deficit Reduction Act of 2005 decreased the  
29 20 threshold for child support cases subject to United States  
29 21 passport sanctions due to nonpayment of child support.  
29 22 Previously, if a parent owed more than \$5,000 in delinquent  
29 23 support, the parent was subject to the sanction. Under the  
29 24 new federal requirement, if a parent owes more than \$2,500 in  
29 25 delinquent support, the parent is subject to the sanction.  
29 26 The bill amends current law to comply with the new federal  
29 27 requirement. This division of the bill takes effect October  
29 28 1, 2007.

29 29 Division II of the bill relates to the requirement under  
29 30 the federal Deficit Reduction Act of 2005 for additional  
29 31 reviews and adjustments of court orders. The bill provides an  
29 32 expedited procedure for the child support recovery unit to  
29 33 complete a portion of these additional reviews and  
29 34 adjustments. The bill makes conforming changes to notice  
29 35 requirements to reference the new expedited procedure in  
30 1 addition to the existing review and adjustment procedure. The  
30 2 bill provides that the child support recovery unit may use the  
30 3 expedited procedure if the right to ongoing child support is  
30 4 assigned to the state of Iowa due to the receipt of family  
30 5 investment program assistance; a review of the support order  
30 6 is required under the federal Deficit Reduction Act of 2005;

30 7 and the child support recovery unit has access to information  
30 8 concerning the financial circumstances of each parent and one  
30 9 of the following applies: (1) the parent is a recipient of  
30 10 family investment program assistance, medical assistance, or  
30 11 food assistance from the department of human services; (2) the  
30 12 parent's income is from supplemental security income; (3) the  
30 13 parent is a recipient of disability benefits under the Social  
30 14 Security Act because of the parent's disability; or (4) the  
30 15 parent is an inmate of an institution under the control of the  
30 16 department of corrections. Once the expedited review is  
30 17 completed, the bill provides for the issuance of a notice of  
30 18 decision, a revised notice of decision, the right to challenge  
30 19 the initial notice of decision, and the right to challenge the  
30 20 second notice of decision by requesting a court hearing.

30 21 The bill also provides for the application of existing  
30 22 rules until the department of human services is able to amend  
30 23 the rules to conform with the new procedure, except that a  
30 24 provision for a time limit, notice, or other procedure which  
30 25 is different from the provisions in the bill do not apply.

30 26 This division of the bill takes effect October 1, 2007.

30 27 Division III of the bill relates to medical support. The  
30 28 bill makes changes to existing medical support provisions to  
30 29 include both the custodial parent and noncustodial parent in  
30 30 ordering medical support for the child at reasonable cost to  
30 31 the parent. The bill specifies what reasonable cost is and  
30 32 provides that if a parent does not have access to reasonable  
30 33 cost health insurance, cash medical support may be provided in  
30 34 lieu of the coverage. This division of the bill takes effect  
30 35 March 1, 2008.

31 1 Division IV provides that interest earned on moneys  
31 2 received by the collection services center as support payments  
31 3 does not revert to the general fund but is to be credited to  
31 4 the child support payments account. This division takes  
31 5 effect upon enactment and is retroactively applicable to July  
31 6 1, 2006.

31 7 LSB 1241HV 82

31 8 pf:nh/je/5